

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, February 12, 2015**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Paul Alpert, Janet Carter Bernardo, Stephen Farr, Peter Oehlkers, Cory Rhoades, Sharon Soltzberg, Matt Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Will Biedron, Roy Cramer, Scott Goddard, Christine Harvey, Stacey Nectow, Vincent Roy, Ardi Rrapi, Jeanne Sparrow, Brian VanDelinder

P. Alpert opened the public meeting at 7:35 pm.

MISCELLANEOUS BUSINESS

MINUTES

Motion to approve the minutes of January 22, 2015 (as amended), by J. Carter Bernardo, seconded by S. Soltzberg, approved 5-0-0

ENFORCEMENT & VIOLATION UPDATES

280 NEHOIDEN STREET

M. Varrell stated that he had spoken to Town Counsel, David Tobin, regarding the 280 Nehoiden Street violation issue. Attorney Tobin confirmed that the Conservation Commission had handled the situation appropriately and the evidence that M. Varrell presented to Attorney Tobin to review regarding the placement of the fence in the wetlands was strong enough for the Commission to have issued the Enforcement Order and fine. Attorney Tobin is drafting a letter to the homeowners in hopes they will contact the Conservation Department and comply with the Enforcement Order and pay the outstanding fine.

10-12 CHARLES STREET

M. Varrell noted that the Conservation Department had received the Notice of Intent application from the owner of the business earlier today and the project will be on the Agenda for the February 26, 2015 Commission meeting.

HEARINGS

NOTICE OF INTENT (DEP FILE #234-725) - LANTERN LANE HEADWALL REPLACEMENT

Applicant: Town of Needham DPW, Vincent Roy, Superintendent of Water & Sewer Division

Project: Replacement of an existing culvert headwall adjacent to Lantern Lane and relocation of the structure closer to the right-of-way, removal of excess sediment from the streambed, replacement of the existing catch basin with a new precast concrete catch basin, and installation of a new 12" HDPE drain pipe to replace the existing 12" RCP drain pipe. The work will also include Bank stabilization and planting work. Work is proposed to occur within Bank as well as the 25- and 100-foot Buffer Zones. The work is proposed to occur on properties identified as 60 and 71 Lantern Lane.

Present for the Applicant: Vincent Roy, Superintendent of Water & Sewer Division and Steve Olson of Environmental Partners, the Town's consultant.

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents, received January 8, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit, received January 8, 2015
- ❑ Plans entitled (received January 8, 2015): “Lantern Lane Headwall Replacement Needham Department of Public Works For Permitting, Cover Sheet, G-1, C-1, C-2, C-3, C-4, C-5”, prepared by Environmental Partners Group, stamped and signed by Stephen C. Olson, P.E. No. 39143, dated 1/8/15.
- ❑ Supplemental Information to Notice of Intent Application (dated 2/5/15) under the MA Wetlands Protection Act and the Town of Needham General Wetlands Protection By-law, prepared by Environmental Partners Group.
- ❑ **Plans entitled (received February 5, 2015): “Lantern Lane Headwall Replacement Needham Department of Public Works For Permitting Addendum #1, Cover Sheet, G-1, C-1, C-2, C-3, C-4, C-5”, prepared by Environmental Partners Group, stamped and signed by Stephen C. Olson, P.E. No. 39143, dated 2/5/15.**
- ❑ Supplementary Information Regarding Request for Waiver, dated February 12, 2015, from Stephen C. Olson, P.E. of Environmental Partners Group, Inc.

P. Alpert opened the public meeting at 7:45 p.m. V. Roy presented background information to the Commission:

- The DPW has been called to respond to flooding issues at the end of the Lantern Lane cul-de-sac on several occasions. Work conducted upstream in an attempt to alleviate the flooding has not been successful. The main issue appears to be a partial blockage at the headwall located at the end of Lantern Lane.
- S. Olson explained the proposed project is two parts. The first part is to remove accumulated sediment and the second is to pull back the headwall and replace the 12-inch drain pipe. A plunge pool will be excavated and a new catch basin installed.
- Most of the proposed work will take place within the drainage easement. The portion of the work not located within the easement will take place on 71 Lantern Lane. The homeowners of 71 Lantern Lane were present and have signed the Notice of Intent application.

Comments from the Commission:

- J. Carter Bernardo asked if any downstream properties will receive additional drainage once the flow is re-established. S. Olson explained that the design capacity would remain the same. M. Varrell added that the flow would drain into a wetland prior to discharging downstream toward developed properties.
- P. Alpert asked whether V. Roy knew the purpose of a discharge pipe located downstream from the headwall on private property that M. Varrell had noted during his site visit. V. Roy will follow-up with the owner and ask them.
- The drainage patterns in the neighborhood along with drainage issues were discussed.
- P. Alpert discussed mitigation measures including:

- A recommendation for a contingency for a “pump around system” in case of substantial precipitation during construction. A note is on the Plan stating no work would begin until a 5-day period of no precipitation is forecast. P. Alpert stated that forecasts can be wrong and they would require the “pump around system” contingency. M. Varrell has a “Special Condition” drafted to reflect this requirement.
 - Coir logs will be installed to protect the Bank and will remain in place.
 - Proposed Restoration plantings were discussed.
 - P. Alpert noted that better clarification of the Waiver Request was previously requested and had been submitted.
- S. Soltzberg asked about an irrigation system pipe that M. Varrell noted during his site visit that may be leaking near the headwall. The homeowners responded that the old irrigation system had been entirely removed and the new system doesn’t come near that area but they have noticed water bubbling up from that area when the pipe is surcharged.

Comments from the public:

- Will Biedron and Jeanne Sparrow of 71 Lantern Lane stated their concerns regarding the aesthetic ramifications the project would have to their property. S. Olson provided clarification regarding the proposed plantings, the placement of rip-rap and the proposed size and location of the new headwall.
 - The existing lawn will be allowed to remain, as long as, the owners maintain it. If the owners want to install plantings in the area, they need to have the species reviewed by Conservation to ensure they are appropriate native species.
 - M. Varrell suggested creating a Special Condition stating a planting plan must be submitted prior to construction.
 - S. Olson asked for clarification as to what portions of the proposed plan the Commission is allowing them to modify to satisfy the owners of 71 Lantern Lane. J. Carter Bernado replied as long as the velocities are stabilized and they keep in the same footprint, the DPW can work with the owners to address the following:
 - The height of the headwall;
 - Changes to rip-rap locations; and
 - Plantings.

Motion to close the public hearing for LANTERN LANE HEADWALL REPLACEMENT (DEP File #234-725), by S. Soltzberg, seconded by C. Rhoades, approved 6-0-0.

Motion to waive the 25-foot Buffer Zone requirements for LANTERN LANE HEADWALL REPLACEMENT (DEP File #234-725), by J. Carter Bernardo, seconded by C. Rhoades, approved 6-0-0.

Motion to issue an Order of Conditions for LANTERN LANE HEADWALL REPLACEMENT (DEP File #234-725), by J. Carter Bernardo, seconded by C. Rhoades, approved 6-0-0.

EDGEWATER LANE CULVERT IMPROVEMENTS – NOTICE OF INTENT (DEP FILE #234-724)

Applicant: Town of Needham DPW, Vincent Roy, Superintendent of Water & Sewer Division

Project: Replacement of an existing 8-inch cast iron culvert which conveys flows from vegetated wetlands to the Charles River. Work is proposed within an existing town-owned easement. The existing headwalls and culvert will be demolished. The new conveyance will include an inlet consisting of a precast reinforced concrete vault with a weir, an 8-inch HDPE culvert, and a precast reinforced concrete headwall at the outlet. The project also includes removing (cut and cap) a section of the abandoned MWRA 27-inch x 30-inch concrete encased sewer within the limits of the existing crossing and encasing an active 8" PVC sewer main in Type 1E flowable fill. Stone splashpads will be installed at the upstream and downstream ends of the new conveyance.

Present for the Applicant: Vincent Roy, Superintendent of Water & Sewer Division and Steve Olson of Environmental Partners, the Town's consultant.

Supporting Documents include:

- ☐ WPA Form 3 – Notice of Intent and supporting documents, received January 8, 2015
- ☐ Needham Wetlands Protection Bylaw Application for Permit, received January 8, 2015
- ☐ Plans entitled (received January 8, 2015): "Edgewater Lane Culvert Improvements Needham Department of Public Works For Permitting, Cover Sheet, G-1, C-1, C-2, C-3, C-4, C-5", prepared by Environmental Partners Group, stamped and signed by Stephen C. Olson, P.E. No. 39143, dated 1/8/15.
- ☐ Supplemental Information to Notice of Intent Application (dated 2/5/15) under the MA Wetlands Protection Act and the Town of Needham General Wetlands Protection By-law, prepared by Environmental Partners Group.
- ☐ Plans entitled (received February 5, 2015): "Edgewater Lane Culvert Improvements Needham Department of Public Works For Permitting Addendum #1, Cover Sheet, G-1, C-1, C-2, C-3, C-4, C-5", prepared by Environmental Partners Group, stamped and signed by Stephen C. Olson, P.E. No. 39143, dated 2/5/15.
- ☐ Supplementary Information Regarding Request for Waiver, dated February 12, 2015, from Stephen C. Olson, P.E. of Environmental Partners Group, Inc.

P. Alpert opened the public meeting at 8:30 p.m. V. Roy presented background information to the Commission:

- The culvert is an old MWRA easement approximately 100 years old.
- A 36-inch sewer line lies above the culvert. In the 1970's the MDC ran an additional sewer line parallel to the existing line.
- The culvert has silted up and collapsed creating flooding issues upstream.
- They plan to remove the old 36-inch sewer line that is abandoned, the 8-inch sewer line will remain and the 8-inch cast iron culvert will be replaced.

S. Olson explained that there is a valve on the culvert that may be broken, closed, or only partially open, contributing to the flooding issues. They plan to add a vault upstream of the culvert to remove sediment prior to discharge to the river. The DPW will have access to the vault to maintain it. All of the work is within the easement. A bypass pumping apparatus during construction will be available, if needed. There will be temporary disturbances of resource areas, but no permanent losses. The two existing pillars will be protected as they have historical value. They will be removed and re-set after the work.

V. Roy added that funding for the project has a place at the Town Meeting. DPW would like to start construction in July 2015. Access for the work will be from the 40 Edgewater Lane side of the culvert.

Comments from the Commission:

- P. Alpert stated that the consultant had provided the Commission with a revised Waiver Request document that addressed the Commission's comments.
- P. Alpert stated that Conservation Department staff had issues with the accuracy of the wetland delineation not affecting this particular project. Therefore, the Commission is not approving the wetlands line as presented on the Plan.
- P. Alpert explained that because all of the work will occur within the easement, the homeowner's signatures are not necessary.
- M. Varrell noted that portions of the project are located in Priority and Estimated Habitat of Rare Species. The Commission received a letter from Natural Heritage approving of the project as presented.

Comments from the public:

- Brian VanDelinder of 40 Edgewater Lane asked for clarification regarding the proposed upstream vault. S. Olson stated that the vault will not be visible upon completion of the work.
- Christine Harvey of 30 Wildwood Drive described her property as having the most flood issues. She is in favor of the historic columns being retained.

Motion to close the public hearing for EDGEWATER LANE CULVERT IMPROVEMENTS (DEP File #234-724), by J. Carter Bernardo, seconded by C. Rhoades, approved 6-0-0.

Motion to waive the 25-foot Buffer Zone requirements for EDGEWATER LANE CULVERT IMPROVEMENTS (DEP File #234-724), by J. Carter Bernardo, seconded by C. Rhoades, approved 6-0-0.

Motion to issue an Order of Conditions for EDGEWATER LANE CULVERT IMPROVEMENTS (DEP File #234-724), by J. Carter Bernardo, seconded by C. Rhoades, approved 6-0-0.

190 EDGEWATER DRIVE – REQUEST FOR AMENDED ORDER OF CONDITIONS (DEP FILE #234-702)

Applicant: David Nectow

Project: The Applicant proposes to remove an existing deck and sport court and construct a 44' by 24' in ground swimming pool, hot tub, pergola, deck, fencing and associated landscaping in the rear of an existing residence. The majority of work is proposed within the 200-foot Riverfront Area, portions of Bordering Land Subject to Flooding, and portions of the 100-foot Buffer Zone to the Bank of the Charles River. All proposed work areas are within existing deck, lawn, and landscaped areas. The primary reason for the Amendment request is for the construction of the swimming pool, in place of a previously approved patio.

Present for the Applicant: Ardi Rrapi of Cheney Engineering, Scott Goddard of Goddard Consulting LLC, and Attorney Roy Cramer

Supporting Documents include:

- ☐ WPA Form 3 – Notice of Intent and supporting documents received February 27, 2014
- ☐ Needham Wetlands Protection Bylaw Application for Permit received February 27, 2014

□ Plans entitled: “Proposed Pool and Deck Plan #190 Edgewater Drive Needham Massachusetts Norfolk County as Prepared for David Nectow”, prepared by Cheney Engineering Co., Inc. stamped by Howard L. Millard, P.E. #7053, dated 2/24/2014 (revised 2/26/2014); “L-1 Existing Conditions Plan” prepared by Thomas Wirth Associates, Inc. (unstamped), dated 12/18/2013 (revised 2/26/2013); “L-3 Planting Plan Design Development” prepared by Thomas Wirth Associates, Inc. (unstamped), dated 12/18/2013 (revised 2/26/2013); “Proposed Patio and Deck Plan #190 Edgewater Drive Needham Massachusetts Norfolk County as Prepared for David Nectow”, prepared by Cheney Engineering Co., Inc. stamped by Howard L. Millard, P.E. #7053, dated 2/24/2014 (revised 4/18/2014); “L-1 Existing Conditions Plan” prepared by Thomas Wirth Associates, Inc. (unstamped), dated 12/18/2013 (revised 2/26/2014); “L-2 Layout and Materials Plan Design Development” prepared by Thomas Wirth Associates, Inc. (unstamped), dated 12/18/2013 (revised 5/1/2014); “L-3 Grading Plan Design Development” prepared by Thomas Wirth Associates, Inc. (unstamped), dated 12/18/2013 (revised 5/1/2014); “L-4 Planting Plan Design Development” prepared by Thomas Wirth Associates, Inc. (unstamped), dated 12/18/2013 (revised 5/1/2014).

□ Letter dated 3/5/14 and “Proposed River Front Alteration Area Sketch #190 Edgewater Drive Needham Massachusetts as Prepared for David Nectow” prepared by Cheney Engineering Co., Inc., dated 3/5/14.

□ Letter from Thomas French, Assistant Director of MA Division of Fisheries and Wildlife, dated 21 March 2014 (NHESP Tracking No. 13-32649).

□ Copy of Email from Emily Holt of MA Natural Heritage and Endangered Species Program to Dan Wells of Goddard Consulting, LLC, dated May 5, 2014.

□ Request for Amended Order of Conditions and supporting documents, prepared by Goddard Consulting, LLC, received January 23, 2015.

P. Alpert opened the public meeting at 8:50 p.m. Scott Goddard of Goddard Consulting LLC presented the history of the project and the proposed changes to the approved plan, including:

- The Appliance received an Order of Conditions in May 2014 to construct a patio in the rear of the property. The Applicant has since gone before Town Meeting with the purpose to change the Zoning Regulations regarding the installation of pools with the Needham floodplain protection district. It is now allowable through issuance of a Special Permit. They are seeking to modify the Order of Conditions to convert the patio into a pool. The Applicant will then go back to the ZBA with the Amended OOC to seek the Special Permit.
- The proposed pergola adjacent to the pool was slightly reduced in size.
- The location for the pool equipment was changed and the size slightly decreased.
- A pine tree to be removed that was not noted on the original Engineering Plan has been added.

Comments from the Commission:

- The Commission will Condition that all pool drainage goes into the municipal system or the raingarden and not directly into the Charles River.

Comments from the public:

None.

Motion to close the public hearing for 190 EDGEWATER DRIVE (DEP FILE #234-702), by J. Carter Bernardo, seconded by S. Soltzberg, approved 6-0-0.

Motion to issue the Amended Order of Conditions for 190 EDGEWATER DRIVE (DEP FILE #234-702), by J. Carter Bernardo, seconded by S. Soltzberg, approved 6-0-0.

12 BROOKSIDE ROAD – REQUEST FOR DETERMINATION OF APPLICABILITY

Applicant: Gordon Russell, 193 Worcester Road Assoc.

Project: The Applicant is proposing to perform soil testing for upgrading a failed septic system. All work is proposed to occur outside the 25-foot Buffer Zone. The Applicant is proposing the installation of an erosion control barrier to protect downgradient resource areas.

Present for the Applicant: Ardi Rrapi, Cheney Engineering, Inc.

Supporting Documents include:

- ❑ Request for Determination of Applicability and supporting documents, received February 12, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit, received February 12, 2015
- ❑ Sketch entitled “Proposed Test Area Sketch #12 Brookside Road, Needham, MA”, dated January 26, 2015

P. Alpert opened the Public Hearing at 9:00 p.m.

Ardi Rrapi explained that the wetland delineation had been approved for work on the adjacent property at 62 Brookside Road. The septic system has failed and needs to be replaced. Erosion controls will be installed along the 25-foot Buffer Zone and two or three test pits will be dug in order to provide necessary information for the design.

M. Varrell noted that a site inspection had not been performed because of the weather but the wetland boundary was established by a reputable firm and the project is not substantial.

Comments from the Commission:

None

Comments from the Public:

None

Motion to close the public hearing for 12 BROOKSIDE ROAD, by J. Carter Bernardo, seconded by S. Farr, approved 6-0-0.

Motion to issue a Negative Determination of Applicability for 12 BROOKSIDE ROAD, by J. Carter Bernardo, seconded by C. Rhoades, approved 6-0-0.

OTHER BUSINESS

REQUEST FOR PARTIAL CERTIFICATE OF COMPLIANCE – 121 CHARLES RIVER STREET (DEP FILE #234-672)

M. Varrell reported that the Applicant had originally filed the Request in January of 2015. At that time, M. Varrell had conducted a site visit and found the following issues:

- At the edge of the wetland, M. Varrell noted recently deposited soil and a Christmas tree that he asked the owner to remove.
- The proposed mitigation plantings were to be installed between the permanent markers and the wetland but the majority were actually installed on the opposite side of the permanent markers in the 25-foot to 50-foot Buffer Zone. M. Varrell noted that as long as the owner understands that the location the plantings have been installed creates more of a 50-foot “No Disturbance” area, there should not be an issue.

- The owner had removed some fencing and piled it within the Buffer Zone near the wetlands. M. Varrell asked that the owner remove the fencing by the spring.
- An underground propane storage tank was installed that was not on the approved site plan but is located outside the Commission's jurisdiction.
- Due to the two-year plant monitoring requirements, only a Partial Certificate of Compliance can be issued at this time.
- M. Varrell will follow-up with the owner in the spring to ensure the fencing, soil and Christmas tree have been removed.

Motion to issue a Partial Certificate of Compliance for work at 121 CHARLES RIVER STREET (DEP File #234-672) by J. Carter Bernardo, seconded by S. Farr, approved 5-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 914 SOUTH STREET (DEP FILE #234-691)

D. Anderson reported that the proposed project was for the installation of a gas line from the road to 914 South Street. The only deviation noted was the proposed location for the gas line was along the shoulder of the driveway between the existing stone wall and the pavement in lawn. The actual location the gas line was installed was within the existing driveway. D. Anderson visited the site and found the disturbed portion of the driveway to be re-paved.

Motion to issue a Certificate of Compliance for work at 914 SOUTH STREET (DEP File #234-691) by J. Carter Bernardo, seconded by C. Rhoades, approved 6-0-0.

DISCUSSION OF PROPOSED MARCH 12, 2015 CONSERVATION COMMISSION MEETING CANCELLATION TO SUPPORT THE “NEEDHAM UN-PLUGGED” INITIATIVE

M. Varrell asked the Commission if they were in favor of cancelling the scheduled March 12, 2015 Public Meeting due to a conflict with the Town of Needham sponsored “Needham Un-Plugged” initiative. J. Carter Bernardo stated she was in favor of cancelling the March 12, 2015 Conservation Commission Meeting. However; she wanted to make sure there would be a quorum for the March 26, 2015 meeting as she could not attend. S. Farr added that he would not be available for the March 26, 2015 meeting either. The Commission concluded there would be enough members present at the March 26, 2015 meeting for a quorum.

DISCUSSION OF DEPARTMENT CONSOLIDATION MEMO

P. Alpert explained that several years ago, the Conservation Department, Zoning Board of Appeals, and Planning Department were all consolidated under one Department called Planning & Community Development. However, department budgets had not been likewise consolidated. The Town Manager, Kate Fitzpatrick and the Planning Director, Lee Newman would like to have the flexibility to use funds budgeted to one of the sub-departments as necessary without having to wait until Town Meeting. The money could only be used for minor administrative purposes. The affected Board would be given advanced notice in case they had issues with the transfer of funds. The Planning Board has the largest budget and has approved the proposition.

P. Alpert had drafted a vote for the Commission to consider (based on the previous Planning Board vote) and makes reference to the Memo from the Town Manager. Any notice of fund transfers between

departments will be far enough in advance to give the Commission opportunity to discuss the transfer at a Conservation Commission Public Meeting.

Motion to accept the consolidation recommendation of the Town Manager as detailed in a memo to the Conservation Commission dated January 29, 2015, said departmental consolidation to permit the budgets of the Conservation Commission, Zoning Board of Appeals and Planning Board to be combined into a single budget for Planning and Community Development, with the goal of providing greater flexibility in financial management through the sharing of resources among departments while at the same time respecting the integrity of the respective department's annual budget allocation.

The support of the Conservation Commission is predicated on the assurances provided by the Town Manager in said memo that: (1) the noted financial flexibility is to be used solely to allow managers of the affected departments to share resources, usually of a minor administrative nature, if all parties are in agreement; (2) the wholesale transfer of funding resources between departments is not planned nor would it be permitted; and (3) the Conservation Commission will receive advance notice of any contemplated transfer to or from the Conservation Commission budget by J. Carter Bernardo, seconded by S. Soltzberg, approved 6-0-0.

MACC CONFERENCE ATTENDANCE

J. Carter Bernardo will attend the MACC Conference on March 28, 2015.

BELL LANE SUBDIVISION UPDATE

M. Varrell reported that he had received confirmation from Natural Heritage that the two potential vernal pools at Ridge Hill had been Certified. This portion of the required mitigation for the Belle Lane project has been completed.

Motion to adjourn the meeting by J. Carter Bernardo, seconded by C. Rhoades, approved 6-0-0.

The meeting was adjourned at 9:45 pm.

NEXT PUBLIC HEARING

Thursday, February 26, 2015 at 7:30 PM in the Public Services Administration Building, Charles River Room.